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J. Cohen



UNITED STATES GENERAL ACCOUNTING OFFICE
WASHINGTON, D.C. 20548

OFFICE OF GENERAL COUNSEL

B-204833

October 13, 1981

Selox, Inc.
P.O. Box 6128
Chattanooga, Tennessee 37401

Attention: Mr. Robert E. White

Gentlemen:

We refer to your letter of September 15, 1981 concerning your contract with the Department of the Air Force to supply liquid nitrogen. You complain that the Department of Energy at Oak Ridge has reactivated a gaseous nitrogen facility, which has resulted in a substantial reduction in the amount of liquid nitrogen ordered under your contract. You ask for our help in influencing the Oak Ridge management to close the gaseous nitrogen plant.

Our Office's jurisdiction in contract matters is based on our statutory authority to adjust and settle claims and Federal agency accounts, and to certify the balances in public accounts. We do not believe that it would be an appropriate exercise of that jurisdiction to interfere with the Department of Energy's functions in the manner you request.

To the extent that you are complaining that the Government has breached your contract by failing to order the amount of liquid nitrogen promised, the Contract Disputes Act of 1978, 41 U.S.C. §§ 601-613 (Supp. III 1979), requires that such complaints be filed with the contracting officer for a decision. The act also provides that a contractor may appeal an adverse contracting officer decision to either the contracting agency's board of contract appeals or the United States Court of Claims. Accordingly, we cannot review the matter.

We regret that we are unable to be of further assistance.

Sincerely yours,

Harry R. Van Cleve

Harry R. Van Cleve
Acting General Counsel

Complaint

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